IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

CIVIL MISC. (TRANSFER)APPLICATION NO.14 OF 2005

Smt. Upasana Gupta W/o Shri Sanjeev Kumar Gupta,
At present residing at 167, Lakhibagh, Dehradun
District Dehradun

..... Applicant

Versus

Sanjeev Kumar Gupta S/o Shri Om Prakash Gupta
R/o Post Office Compound, Civil Lines,
Roorkee, District Hardwar

..... Respondent

Shri Ramji Srivastava, learned counsel for the applicant.
Shri Sharad Sharma, learned counsel for the respondent.

Dated: 01.09.2005

Hon'ble P.C. Verma, J.

By means of this application, it has been prayed that the Matrimonial Suit No.29 of 2004, Sanjeev Kumar Gupta Vs. Smt. Upasana Gupta pending in the Court of Additional Family Judge Roorkee, District Hardwar may be transferred to the Court of District Dehradun.

I have heard learned counsel for the parties and perused the affidavit filed in support of application.

It has been mentioned in the accompanying affidavit of the application that the applicant was married with the respondent as per Hindu Rites and customs at Dehradun on 16.04.2001 and no child was born out of the wedlock between the applicant and respondent. That in spite of the fact that enough dowry items including jewellery, utensils, clothes, furniture etc. were gifted to respondent and his relatives at the time of the marriage, the respondent continued to pressurize her for more and more items of dowry since the date of marriage of applicant. The

petitioner has always attempted to please her husband and her in-laws, but on 27.08.2004, the respondent filed a divorce petition under Section 13 of the Hindu Marriage Act before Family Court, Roorkee, District Hardwar on the basis of which a matrimonial petition No.29 of 2004, Sanjeev Kumar Gupta Vs. Smt. Upasana Gupta was registered in the Court of Family Judge, Roorkee, District Hardwar, which is pending for disposal.

In my opinion, the interest of justice would be met if the present application for transfer of the case is allowed and the case is transfer to the court of Additional Judge, Family Court, Rishikesh from Addl. Family Judge, Roorkee, District Hardwar as Rishikesh is convenient for both the parties and it is at equal distance from Dehradun and Hardwar.

Hence, the application is allowed. The case is accordingly transferred to the court of Addl. Judge, Family Court, Rishikesh from the court of Additional Family Judge, Roorkee, District Hardwar.

The application for transfer of case is allowed accordingly.

(P.C. Verma, J.)

Rajeev Dang